

SUPPORTING INFORMATION

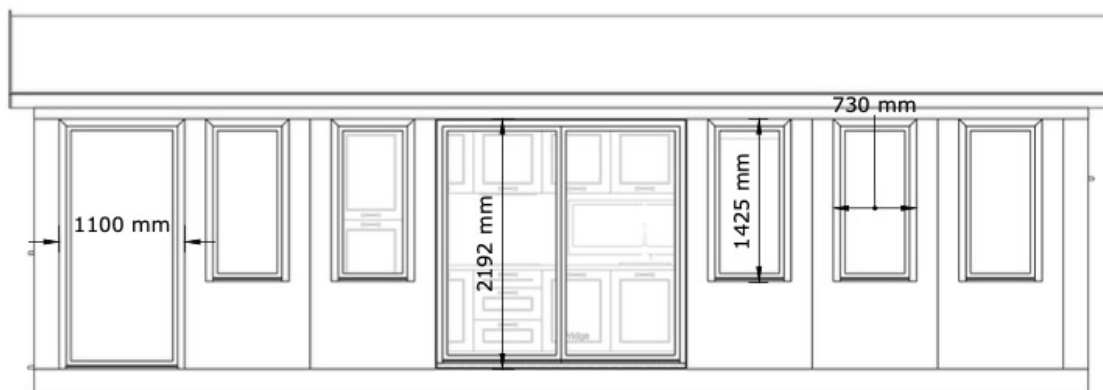
Regarding the

Submission for Certificate of Lawfulness for the

Installation of a Mobile Home

*aka hybrid garden annexe**

under section 192 of the Town & Country Planning Act 1990



PROPOSED FRONT ELEVATION - Scale 1:50

St George 835

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PART I: SUMMARY

The Purpose of this Document

This document provides relevant information in support of the application for a Certificate of Lawfulness under section 192 of the Town & Country Planning Act 1990 to site a mobile home (*hybrid garden annexe*) within the curtilage of a dwelling.

It is designed to assist Local Authority Planning Departments to readily grant a Certificate of Lawful Development and demonstrates:

1. the absence of Operational Development by clarifying the nature of the movability of a *hybrid garden annexe* and as an alternative term for a *caravan*
2. the absence of Material Change of Use by clarifying the circumstances of the applicant and the incidental use of the *hybrid garden annexe*

This statement / evidence to verify application has been drawn in support of this application to demonstrate how the proposal is in accordance with all necessary parameters and conditions to constitute as Permitted Development as per the General Permitted Development Order (as amended) 2015.

PART 2: QUICK FACTS

- A *hybrid garden annexe* is designed and manufactured specifically to comply with Section 192 and this term can be considered an interchangeable term with *mobile home* or *caravan*.
- A *hybrid garden annexe* includes a rigid floor chassis which enables the annexe to be craned or hoisted into or out of any location in one or two pieces as in the case of it being a *Twin Unit*. See attached structural engineers report.
- The option to deploy RADOS (Rapid Assembly/Disassembly On Site) enables the *hybrid garden annexe* to be installed in complicated locations without the need for road closures – but can still be removed singly or in two pieces where twin unit protocols are necessary.
- A *hybrid garden annexe* is **not** fixed to the ground.
- A SIPS-based building **cannot** be referred to as a *hybrid garden annexe* as it lacks the integral strength for movability
- The term *hybrid garden annexe* is largely used as a marketing term to articulate usage of the caravan within a domestic garden.
- This submission includes no reference to Permitted Development Rights

PART 3: INTRODUCTION

Given the recent advances in the manufacture of some mobile homes, particularly by GX Modular, as *hybrid garden annexes*, this document provides full details specifically to confirm the nature of the structure to demonstrate there is **no operational development** with this deployment as a caravan.

Similarly, in association with the details in Part 4, this document demonstrates **no material change of use** through the clarification of the use and function of the hybrid garden annexe by the applicant



Figure 1 Removal of annexe by truck/hoist

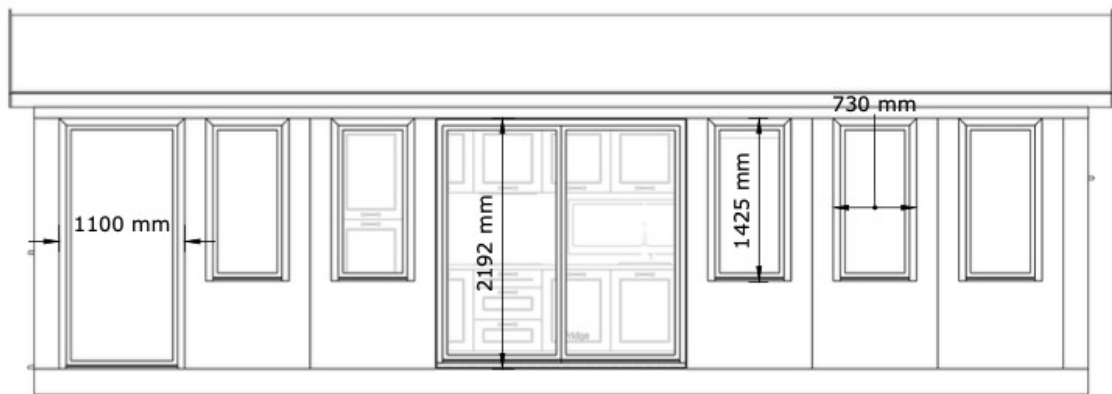
PART 4: SUPPORTING INFORMATION

(This section includes client-specific details - to be redacted by the LPA as necessary)

1. Applicant Name and Address

Antoinette Butler-Willis - 218 Loddon Bridge Road Woodley Reading RG5 4BS

2. Specific Product to be sited above



PROPOSED FRONT ELEVATION - Scale 1:50

St George 835 Side Elevation For other elevations see **Proposed Scaled Elevations**

Image of product St George 835 See above and drawings.

Dimensions of product 8800 wide *4290 Deep * 3370 High O.A.

Materials: Medite Tricoya Extreme Colour Devonshire Cream. Frames to windows and doors UPVC Colour Black. Roof Single membrane UPDM rubber – **Subject to client specification.**

3. Intended Use and Justification

3.1 The relationship between the occupants of the hybrid garden annexe and the main dwelling is additional living accommodation for members of family in particular [REDACTED] [REDACTED] This is necessary to provide support and care for the family member in close proximity. [REDACTED]

3.2 The size of the footprint of the hybrid garden annexe, 36.9m² in relation to the dwelling/garden 521.6m² of is 6.5%.

3.3 Comparison of the main dwelling interior living accommodation area 176m² in relation to the hybrid garden annexe 36.9m² is 20%.

3.4 Use of the hybrid garden annexe will be entirely ancillary to the main dwelling house, both with shared facilities and shared utilities. The occupier, of the St George 835, the [REDACTED] will also dine and spend leisure time within the main dwelling house. The need for this is to provide care and support by the client for the family. **This establishes a functional link between the hybrid garden annexe and the host dwelling.** The

annexe is equipped with interchangeable facilities that provide functional living space [REDACTED] while not intended for separate use from the main property.

4. Confirmation of Dependency

We confirm that the hybrid garden annexe shares the address and the access with the main dwelling and utilises the same post box, parking, garden area and shares the same utility meters.

The hybrid garden annexe is consequently wholly dependent upon the main dwelling and neither annexe nor the occupants can function without the main dwelling. As above, this establishes a functional link.

5. Statement from Applicant

"I seek to provide additional single-storey living accommodation at my home for [REDACTED] [REDACTED] [REDACTED]."

APPENDICES

APPENDIX I

TERMINOLOGIES

Appendix 1a

Definition of a Caravan/Mobile Home

A caravan may be so defined by Section 13 of the Caravan Act 1968 (amended 2006) which prescribes that a caravan/mobile home is defined by satisfying the following three criteria:

- a. Size
- b. Mobility
- c. Construction

- A. Size: The Act states that the maximum dimensions of the caravan may be: Length: 20.0m Width: 6.8m Internal Height: 3.05m (internal height of living accommodation from floor to highest point of the ceiling).
- B. Movability: The Act prescribes that a caravan is: "a structure which when assembled is physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer)".
- C. Construction: The Act has no requirement at all that the caravan should be assembled away from the site and moved to the site in one piece. (It merely states that if in the case of twin unit caravans the final act of assembly is the bolting together of both halves). A caravan, so defined, must be fully transportable only once fully assembled. No definition or requirement is made to the transportability prior to completion. The Annexa 745 here proposed is a single unit caravan and is constructed and can be transported as one.

Appendix 1b

General Definition and Detail of Hybrid Garden Annexes

The design, manufacture and installation of all *hybrid garden annexes* manufactured by GX Modular comply with Section 13 of Caravan Act 1968 (amended in 2006) especially in terms of the size, moveability and construction tests listed above.

These *hybrid garden annexes* are designed and manufactured in the UK under the following brand names

• Garden Annexes • Iryo • St George Annexes • XB• Annexxa



Factory made in the UK by GX Modular, the *hybrid garden annexe* may be craned into location or rapidly assembled on-site from pre-manufactured components and is a fully moveable structure - being transportable in one or two pieces.

A *Hybrid Garden Annexe* complies with all aspects of the definition of a caravan (Caravan Act 1968, Section 13, amended 2006)

- a. **Size:** All *hybrid garden annexes* by GX Modular have the maximum dimensions: Length: 11.44m Width: 5.4m Internal Height: 2.25m (or rising to 3.03m in some applications) internal height of living accommodation from floor to highest point of the ceiling
- b. **Movability:** All *hybrid garden annexes* by GX Modular are: “a structure which when assembled is physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer”.
The *hybrid garden annexe* will be placed on to either Concrete plinth foundation (max 5 sqm) or Concrete lightweight lattice, low impact ground screws or small plinth blocks. The structure will not be fixed down, resting solely under its own weight. Services are provided separately and maybe rapidly decoupled.

See structural engineers report attached concerning lifting by crane.

- c. Please view a hybrid garden annexe being moved by crane:
<https://www.youtube.com/watch?v=o8OWC0FCyOw&t=83s>
- d. **Construction** A hybrid garden annexe by GX Modular is factory-built and then either factory-assembled (and installed by crane) - or is rapidly assembled on site (in just a few days) from the same pre-manufactured components in the same way as assembly is completed in the factory. The chassis of the hybrid garden annexe is constructed from pre-machined and indexed CLT (maximum length 5.4m) components and assembled either in factory or RADOS (rapid assembly/disassembly on site from man-portable



pre-finished and cabled panels. 5 Days) Walls are 222mm thick including 150mm premanufactured studwork and 100mm slab insulation. The rigid floor is constructed from premanufactured 220mm CLT with 150mm joists and pre-cut 100mm insulation All roof and ceiling components are also CNC-cut prior to assembly in the factory or on site. When assembly on-site is necessary, all the components are delivered directly to site and no material cutting is necessary. Once assembled the hybrid garden annexe is fully movable in one-two pieces and may be removed by crane in a few hours (or may also be readily disassembled and rapidly removed).

Appendix 1c

St George 835 as supplied will be 8800 wide *4290 Deep * 3370 High O.A. This *hybrid garden annexe* (supplied by GX Modular) can be considered as a “single unit” and may be delivered to site in one or two pieces by crane or may also be rapidly assembled on site from pre-manufactured components (RADOS). **In this case** we intend to assemble the annexe on site. The nature of assembly on-site is immaterial for compliance with the construction test.

Should onsite assembly be confirmed due to access or other issues then the process of assembly is identical to that completed within the GX factory and it will be completed within 5 days for premanufactured components and there is no cutting on site. No matter the delivery method, the annexe becomes a fully moveable structure (in one or two pieces) once assembled.

This Hybrid Garden Annexe will provide comfortable ancillary living accommodation for family members.

Consequently, this hybrid garden annexe complies with the definition of a caravan as it complies with the use, size, mobility and construction tests shown in Appendix 1b.

Appendix 1d

Confirmation

This *hybrid garden annexe* complies with the terms caravan and mobile home, through the compliance with the movability, construction, and the size tests. And therefore, whilst maintaining the ability to be rapidly assembled on site, it still complies with all three criteria so that it may be considered a caravan.

APPENDIX 2

KEY POINTS

Appendix 2a

Matters regarding Operational Development

In the above sections we demonstrate that this *hybrid garden annexe* may be considered a caravan under the three tests in section 13 of the Caravan Site Act 1968 (amended 2006) Therefore, as such the siting of a *hybrid garden annexe* or *caravan* does not constitute operational development.

Appendix 2b

Matters regarding Material Change of Use

In Part 4 (above) we demonstrate that the use of the *hybrid garden annexe* in this case is ancillary to the C3 residential use

This information:

- outlines the relationship between the occupants of the main dwelling and the *hybrid garden annexe*
- demonstrates the size of the dwelling and garden in relation to the footprint hybrid garden annexe
- compares the interior accommodation size of the hybrid garden annexe in relation to the main dwelling
- clarifies the secondary, subordinate nature of the operation of the hybrid garden annexe

It is agreed that the certificate can only be granted on the basis of the stated use but should not be declined on the supposition of possible alternative future outcomes.

As such the siting of a *hybrid garden annexe* or *caravan* does not constitute Material Change of Use.

Appendix 2c

Overall Conclusion

Given the above information the proposal may be considered to be valid, and given the existing case law, the above circumstances which demonstrate there is no Material Change of Use and the nature of the hybrid garden annexe, which demonstrates there is no operational development. Consequently, the Certificate of Lawfulness should be granted

Appendix 3a**FAQs & Supporting Evidence**

How can the Hybrid Garden Annexe be considered independent as it includes kitchen and washing facilities?

The inclusion of washing facilities and a kitchen in a *hybrid garden annexe* does not diminish the ancillary nature of the structure. The key factors are that all utilities are shared, and that (see Part 4) the use of the annexe is secondary to the main dwelling house. The annexe cannot function without the main dwelling.



Please refer to appeal decision

APP/L5810/X/15/3140569 which concludes “accommodation can be used interchangeably” between main dwelling and annexe. Also High Court Case *Uttlesford v SoS (Environment and White)* 1991 highlights that the significant factors are not so much the facilities but indeed the lack of separate utility meters and postal address.

Given that the Hybrid Garden Annexe maybe assembled on site then isn't this operational development?

There is no discernible difference between the operation of craning in a large structure into a domestic garden and the rapid onsite assembly by two technicians in a similar timescale. A *Hybrid Garden Annexe* is not a “building”, it is designed, manufactured and delivered as a movable structure

Please refer to appeal decision APP/N1025/C/01/1074589, which outlines that it is the movability of the finished, fully assembled structure, which is paramount. “A caravan may be delivered to site in many pieces”

Doesn't the connection to services mean that this becomes a permanent structure?

Connection to the services does not imply non-movability as *Hybrid Garden Annexes* can be specified with a ready de-coupling station for rapid removal of the annexe – similar to that maybe specified with a mobile home. Please also refer to appeal decision APP/L5810/X/15/3140569 which highlights that attachment to services is not the same as physical attachment to the land and refer to appeal decision APP/J1915/X/11/2159970 which is that the test is to demonstrate the movability of the unit once assembled.

How can you convince me the Hybrid Garden Annexe is movable once its assembled-on-site?

Movability has been designed into all Hybrid Garden Annexes by GX Modular so that installation may take place via crane or by rapid assembly/disassembly on site.

See proof here: <https://www.youtube.com/watch?v=o8OWC0FCyOw>

See also attached structural engineers report on system of moving by crane.

Please also refer to appeal decision APP/N1025/C/01/1074589 which outlines that the structure neither requires access or a trailer, simply the capability to be moved, not necessarily the access.

Why not apply this through permitted development rights? To ensure suitable interior headroom for permanent use the minimum exterior height is 2.69m Similarly, the locating of a *hybrid garden annexe*, caravan or mobile home for the purposes ancillary to the main dwelling does not constitute operational development and should not be considered under class E part 1 of schedule 2 of the GPDO which concerns operational development for such things as the building of a garage.

Are there any similar precedents to which to refer?

Please refer to APP/B5480/C/17/3174314 which provides suitable similar precedent.

Appendix 3b

Movability Statement

This appendix outlines the nature of the GX range of hybrid annexes, and clarifies the compliance of the structures with the Caravan Act 1968 Section 13



The GX range of hybrid annexes includes all compliant structures under the following nomenclature:
Names: St George, XB, Ivyo, Annexxa

Sizes: 430, 435, 440, 445, 530, 535, 540, 545, 630, 635, 640, 645, 730, 735, 740, 745, 830, 835, 840, 845, 930, 935, 940, 945

Dimensions: All GX annexes are within the maximum dimensions of the defined caravan being no more than: 6.8m deep 20.0m long 3.05m internal height

Construction All GX annexes are manufactured from cross laminated timber, with a 225mm structural base rail frame on which the entire structure is based. Specifically designed and manufactured in the UK as moveable structure, the GX range of hybrid annexes utilises the structural base rail frame to accommodate a modular assembly for full and ready transportability.

Movability All GX Annexes are manufactured for movability and each structure includes the following elements to facilitate the function

Indexed hoist/lift points

Pneumatic lift mat points

Removable wheeled transport rig

GX structures may be readily moved by lifting, firstly by utilising pneumatic lift mats (on specific points and locations as marked on the structure) and then simply moved by hoist, crane/hiab and onto a suitable trailer.

The attached illustration demonstrates the structural elements of the structural base rail frame, the pneumatic lift mat points and the associated hoist points.

Each GX annexe can also be moved by reattaching the removable wheeled transport rig, see illustration, and transporting the structure accordingly.

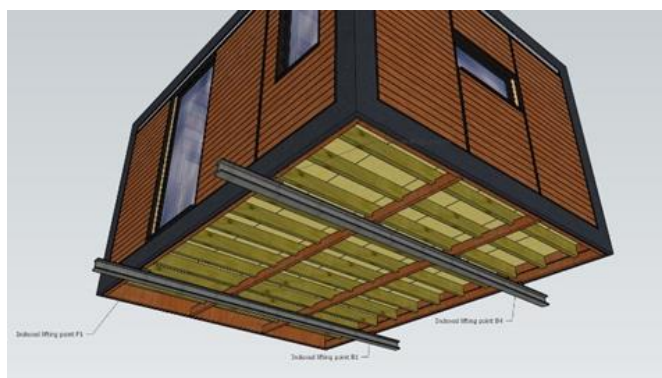
Example Movement Alternatives for the 430 size

Option A: Move 430 by hoist

A typical 430 with
pneumatic lift mat points
so marked

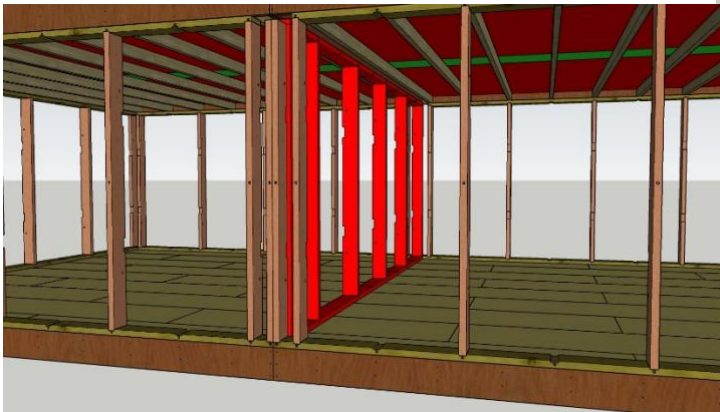
Removable
transport beam for 430

430 with a pair of
removable transport beam
in place



Option B: Move 430 by wheeled skid

430 with alternative move method – Removable wheeled skid



Appendix 3c

Manufacture



Manufacture is undertaken in the GX factory near Bury St Edmunds, where each individual component is CNC machined to tolerances 0.1mm. Using 150mm CLT (glulam) for core frame with 100mm slab insulation and 15mm panel work each component is machined for rapid indexed assembly.

Appendix 3d

Installation Options

Assembly of the *hybrid garden annexe* can be undertaken within the factory or on-site in similar timescales

Crane Options The hybrid garden annexe can be craned into location in one piece, or components maybe craned onto site for instant assembly
<https://www.youtube.com/watch?v=o8OWC0FCyOw>



✓ **Measor v SOS (1998)**

The High Court held that generally a structure that met the definition of 'caravan' for the purposes of the 1960 and 1968 Acts above would not generally be considered a 'building' for the purposes of the 1990 Act above because of the lack of permanence and attachment.

✓ **Appeal Decision by J G Roberts 2002 an Inspector appointed by the Secretary of State. Brentall v. Erewash Borough Council**

"It is not necessary for it (a caravan) to be towed, only that it is capable of being moved by road".

✓ **Brightlingsea Haven Limited and another v. Morris and others 2008**

"It is irrelevant to the test where the structure actually is, and whether it may have difficulty in reaching a road"

✓ **BYRNE v. SECRETARY OF STATE FOR ENVIRONMENT and ARUN [1997]:**

"Certainly, it is designed to be composed into two sections, then to be bolted together as the paragraph requires, but this argument disregards two words in the paragraph which seem to me to be of importance. The requirement is that the structure should be composed of not more than two sections "separately constructed". That means, in my judgment, that it was an essential part of the construction process in order to deem a structure as a caravan, that there should be two sections separately constructed'... 'The whole was not constructed by the method of first having two separate parts."

✓ **Appeal decision APP/L5810/X/15/3140569**

This concludes "accommodation can be used interchangeably" between main dwelling and annexe.

"Similarly, any attachment to services is not the same as physical attachment to the land, as invariably disconnection from such services is a simple matter which can be achieved within minutes, in the event that the mobile home needs to be moved."

✓ **High Court Case Uttlesford v SoS (Environment and White) 1991**

This highlights that the significant factors are not so much the facilities but indeed the lack of separate utility meters and postal address.

✓ **Appeal decision APP/N1025/C/01/1074589**

This outlines that it is the movability of the finished, fully assembled, structure which is paramount. "A caravan may be delivered to site in many pieces"

"To fall within this definition the structure must be capable of being moved by road from one place to another in its assembled state. It may be moved by trailer, but it is not excluded from the definition merely because it would be unlawful to move it in such a manner on a highway. The fact that the private drive to [the appeal property] is too narrow to allow the passage of the Park Home in its assembled state along it is not the point. It seems to me that it is the structure that must possess the necessary qualities, not the means of access."

- A. There is no requirement for the 2 sections to be each identifiable as caravans, or capable of habitation, before they are joined together;
- B. A caravan can be delivered to site in many pieces, and there is no requirement in 13(1)(a) that the process of creating the 2 separate sections must take place away from the site on which they are then joined together.
- C. It is only necessary the act of joining the 2 sections together should be the final act of assembly.

✓ **Appeal decision APP/L5810/X/15/3140569**

This also highlights that attachment to services is not the same as physical attachment to the land

✓ **Appeal decision APP/N1025/C/01/1074589**

This outlines that the structure neither requires access or a trailer, simply the capability to be moved, not necessarily the access.

✓ **Appeal decision APP/B5480/C/17/3174314**

This also provides suitable similar overall precedent. The inspector concluded:

- A. Two halves constructed on site -He remarks “there is no requirement that the process of creating the two separate sections must take place away from the land”. Correctly interpreting Byrne and the Erewash decision.
- B. Two halves being completed adjacent to one another, and then finally bolted together. He remarks “...the two sections, having been completed alongside each other, were then connected securely by using a series of bolts along the lines of the walls and floor”

✓ **Appeal decision APP/J1915/X/11/2159970**

This states that the test is to demonstrate the movability of the unit once it is assembled.

- “a. The test is whether the unit, once fully assembled, is capable, as a whole, of being towed or transported by a single vehicle;
- b. Lack of intention to move the unit around the site is not relevant to the main issue, and would apply to most “static” caravans on any lawful caravan site;
- c. The fact that the practicalities of mobility (e.g. a narrow driveway or awkward points) is immaterial. The test is whether the mobile home possess the necessary structural qualities to achieve theoretical mobility.”

Analysis: The siting of the mobile home is not be attached with permanent foundations to ensure that the unit remains mobile while it is in situ.